



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

October 26, 2005

Tracy Burnham
Decorative Landscaping, Inc.
3231 North Millcreek Road
Pleasant Grove, Utah 84062

Subject: Approval of Amended Notice of Intention to Commence Small Mining Operations and Variance Request, Decorative Landscaping, T & M Holdings Mine, S/035/023, Salt Lake County, Utah

Dear Mr. Burnham:

The Division of Oil, Gas and Mining hereby approves your amended Notice of Intention to Commence Small Mining Operations. The approved amendment includes a request for a variance from the requirement in R647-3-109.13.12. This rule states, in part:

... where reseeded has occurred and the vegetation has survived one growing season, the reseeded area shall not be included for purposes of determining whether a mining operation is a small mining operation.

You have mined, regraded, and seeded a 5-acre area, and although the vegetation in this area has not survived a growing season, the Division is allowing you to expand into a new 5-acre area while remaining a small mine. We are allowing this because you have graded, seeded, and mulched this area and also because you have been watering the seed to accelerate germination and growth; thus reducing the erosion potential. The alternative methods of mulch and irrigation to the one year vegetation requirement are consistent with the Act. Therefore, the variance is approved.

We appreciate your diligence in completing reclamation and your cooperation and patience. If you have concerns or questions about the action we are taking, please contact Paul Baker at 801-538-5261.

Sincerely

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SMW:PBB:jb

Enclosures: Addendum to Reclamation Contract with new Attachment C (map)
O:\M035-SaltLake\S0350023-DecorLandscape\final\app-10262005.doc